

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Gardena Specialized Processing
16520 South Figueroa Street
Gardena, California 90248-2625

ID No. CAD 981 384 837

Respondent.

Docket HWCA 20051005

ORDER TO CORRECT
VIOLATIONS

Health and Safety Code
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Order to Correct Violations (Order) to Gardena Specialized Processing (Respondent).

1.2. Site. Respondent generates and treats hazardous waste at the following site: 16520 South Figueroa Street in Gardena, California 90248 (Site).

1.3. Permit/Interim Status. Respondent does not have a permit or other grant of authorization to treat hazardous waste or extremely hazardous or reactive cyanide-bearing waste. Respondent generates or has generated, the following hazardous wastes: spent metal-bearing and corrosive rinse waters from electroplating operations, spent cyanide-bearing rinse waters from electroplating operations, spent cyanide- and metal-bearing plating solutions, used oil, waste organic solvents, cyanide- and metal-bearing waste filters from plating operations, and metal-bearing filter cake from the treatment of hazardous waste from electroplating operations.

1.4. The Department inspected Respondent's facility on November 15, 2005, and determined that Respondent treats or has treated metal- and cyanide-bearing hazardous wastes generated onsite from electroplating operations.

1.5. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

DETERMINATION OF VIOLATIONS

2. The Department has determined that:

2.1. Respondent violated California Code of Regulations, title 22, section 66265.13, in that Respondent has failed to prepare a written waste analysis plan and failed to obtain and maintain waste analysis records showing the hazardous characteristics of the wastes it treats onsite, as required pursuant to California Code of Regulations, title 22, section 67450.3, subdivision (c)(9), for facilities treating hazardous wastes under Permit by Rule (PBR).

2.2. Respondent has violated California Code of Regulations, title 22, section 66265.192, in that Respondent operates at least eight separate tanks, and all associated piping and pumps, comprising two separate units used to treat hazardous waste, and has not prepared a written and certified hazardous waste tank system assessment, signed by a qualified, independent, registered professional engineer, attesting that these hazardous waste tank systems are suitably designed to hold and treat hazardous wastes.

2.3. Respondent has violated California Code of Regulations, title 22, section 66265.16, in that Respondent has failed to maintain documents showing that required training has been given to all of its facility employees that are directly involved with hazardous waste management.

2.4. Respondent has violated section 25185.6 of the Health and Safety Code on two separate occasions in that Respondent has failed to provide the

Department with specific information the Department requested, in writing, regarding Respondent's hazardous waste management activities.

2.5. Respondent has violated California Code of Regulations, title 22, section 66265.52 in that Respondent failed to maintain an adequate contingency plan as required for facilities that treat hazardous wastes under PBR.

2.6. Respondent has violated California Code of Regulations, title 22, section 66265.193 in that Respondent has failed to provide adequate secondary containment for its hazardous waste tank system(s) that are used to hold and treat hazardous wastes.

2.7. Beginning on an unknown date, but before November 15, 2005, Respondent violated, and continues to violate, California Code of Regulations, title 22, sections 66265.191, 66265.192, and 66265.193, in that Respondent has operated an underground "clarifier" and associated underground piping comprising a portion of Respondent's hazardous waste tank system that is used to manage listed Resource Conservation and Recovery Act (RCRA) waste discharged from Respondent's filter press, without:

- conducting annual leak tests;
- preparing a written tank system assessment;
- providing secondary containment; and,
- providing leak detection equipment.

2.8. Respondent violated section 25201 of the Health and Safety Code in that Respondent treated hazardous wastes onsite without the required permits or grant of authorization.

2.9. Respondent violated California Code of Regulations, title 22, sections 66262.34, 66265.31, 66265.171, and 66265.176, in that Respondent stored spent acetone in unlabeled, bulging (i.e., under high pressure) 55-gallon steel drum that was stored within 15 meters of the site's property line.

2.10. Respondent violated section 25200.14 of the Health and Safety Code in that as of the date of the Department's inspection on November 15, 2005, Respondent had failed to prepare and submit a Phase I Environmental Assessment.

SCHEDULE FOR COMPLIANCE

3.1.1. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1.1.1. Within 30 days of the date of this Order Respondent shall correct the violation described in paragraph 2.1 of this Order by preparing, and submitting to the Department, a written waste analysis plan for all hazardous wastes Respondent treats onsite. The written waste analysis plan shall be prepared pursuant to California Code of Regulations, title 22, section 66265.13, and shall identify all waste streams that Respondent treats onsite (i.e., each waste that is discharged from each and every individual tank or container into Respondent's hazardous waste treatment system, or that is otherwise generated in any manufacturing process and treated by Respondent) in Respondent's hazardous waste treatment units. This written plan shall describe, in detail, for each waste stream that Respondent treats onsite: (1) its hazardous characteristics; (2) the specific test methods that must be used to determine these hazardous characteristics (only recognized hazardous waste test methods documented in U.S. Environmental Protection Agency (U.S. EPA) publication SW846, or title 22 of the California Code of Regulations, or recognized equivalent test methods, shall be used to analyze waste for its hazardous characteristics); and, (3) the sampling and sampling management methods which will be used to obtain representative samples of each waste to be analyzed (including all sampling methodology, sampling equipment, sample processing procedures, sample documentation and chain of custody procedures, etc.). The plan shall state that

each waste shall be collected for analysis before it is commingled with any other waste stream, and before it is treated in any way to alter its physical, chemical, or biological characteristics. The plan shall also state that only a laboratory certified by the State of California to analyze hazardous wastes shall analyze the samples of waste to determine their hazardous characteristics, pursuant to Health and Safety Code section 25198.

3.1.1.2. Within 30 days of the date of this Order, Respondent shall correct the violation described in paragraph 2.2 of this Order by preparing, and submitting to the Department, a complete, certified hazardous waste tank system assessment for all hazardous waste tank systems used by Respondent to hold or treat hazardous waste. The assessment must contain all applicable written statements specified in California Code of Regulations, title 22, section 66265.192, must show that Respondent's hazardous waste tank systems are equipped with secondary containment pursuant to California Code of Regulations, title 22, section 66265.193, and must be certified by a qualified, independent professional engineer registered in the State of California.

3.1.1.3. Within 30 days of the date of this Order Respondent shall submit documents to the Department identifying all personnel that are involved with hazardous waste operations at the Site. After Respondent identifies all Site personnel that are involved with hazardous waste operations, Respondent shall correct the violation described in paragraph 2.3 of this Order as follows:

- Within 30 days of the date of this Order Respondent shall either submit documentation to the Department showing that all personnel involved with hazardous waste operations at the Site have received required hazardous waste training pursuant to California Code of Regulations, title 22, section 66265.16; or,

- Respondent shall prepare and submit a “training plan” to the Department that identifies all Site personnel that require training, the specific training (e.g., training in implementation of the Site Contingency Plan, emergency response training, and all other training necessary to ensure Respondent’s compliance with California Code of Regulations, title 22, division 4.5, chapter 15, section 66265.1 *et seq.* that is required for each of the Site personnel, and a schedule showing the dates on which the required training will be provided.

Respondent shall provide all required training identified in Respondent’s written training plan as soon as possible, but no later than 60 days from the date of this Order. After training has been completed, and within 60 days of the date of this Order, Respondent shall provide the Department with documentation showing that all Site personnel involved with hazardous waste operations have been given training pursuant to Respondent’s written training plan, and as required pursuant to California Code of Regulations, title 22, section 66265.16.

3.1.1.4. Within 30 days of the date of this Order Respondent shall correct the violation described in paragraph 2.4 of this Order by providing the Department with the following information:

- A map of the site clearly showing the location of, and clearly identifying, **ALL**, process tanks or containers that are discharged to Respondent’s onsite hazardous waste treatment system.
- A statement indicating the volume of waste that is discharged from **EACH** of these process tanks or containers to Respondent’s onsite waste treatment unit on a monthly basis.
- A schematic diagram of all hazardous waste treatment tanks and associated piping, secondary containment, and pumps, and a

detailed description of the waste(s) that each hazardous waste treatment tank receives.

3.1.1.5. Within 30 days of the date of this Order, Respondent shall correct the violation described in paragraph 2.5 of this Order by preparing, and submitting to the Department, a contingency plan that describes, in detail, the actions facility personnel will take to achieve compliance with California Code of Regulations, title 22, sections 66265.51 and 66265.56. This contingency plan shall include all required information that is specified in California Code of Regulations, title 22, sections 66265.52 and 66265.56.

3.1.1.6. Within 30 days of the date of this Order, Respondent shall correct the violation described in paragraph 2.6 of this Order making any and all needed repairs to the secondary containment for Respondent's tank systems that are used to hold and treat hazardous waste, as required to achieve compliance with California Code of Regulations, title 22, section 66265.193. The written tank assessment required pursuant to paragraph 3.1.1.2 of this Order shall contain specific statements indicating that the secondary containment for Respondent's hazardous waste tank systems is adequate to achieve compliance with all applicable sections of California Code of Regulations, title 22, section 66265.193.

3.1.1.7. Respondent shall either a) immediately cease using the underground clarifier unit and its associated piping to manage hazardous waste, as described in paragraph 2.7 of this Order, until Respondent brings the clarifier unit and its associated piping into compliance with applicable regulations, or b) shall provide the Department with the following: Within 14 days of the date of this Order Respondent shall submit a written statement to the Department describing how Respondent intends to address the violation described in paragraph 2.7, and bring the underground clarifier unit and its associated piping into compliance with applicable regulations; and, within 45 days of the date of this Order, Respondent

shall submit a written work plan to the Department that describes, in detail, all actions Respondent will take to bring the underground clarifier and its associated piping into compliance, and a detailed schedule for completing those actions.

3.1.2. Based on documentation that Respondent has submitted to the Department, no further actions are required of Respondent regarding the violations described in paragraphs 2.8, 2.9, and 2.10 of this Order.

3.2. Submittals. All submittals from a Respondent pursuant to this Order shall be sent simultaneously to:

Mr. Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

and

Mr. Bill Jones, Chief
Los Angeles County Fire Dept.
5825 Rickenbacker Road
Commerce, California 90040-3027

3.3. Communications. All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondent in writing by the Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

3.4. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to protect public health or safety or

the environment, the Department may:

a. Modify the document as deemed necessary and approve the document as modified, or

b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

3.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

3.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people on the Site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the term of the Stop Work Order.

3.7. Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.8. Site Access: Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives shall have the authority to

enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

3.9. Data and Document Availability. Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

3.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

3.11. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Order are incorporated in this Order upon approval by the Department.

3.12. Extension Request: If Respondent is unable to perform any activity or submit any document within the time required under this Order, Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.13. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions or to impose penalties for the violations alleged in this Order.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondent to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

4.3. Parties Bound: This Order shall apply to and be binding upon Respondent, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.4. Time Periods. "Days" for purposes of this Order means calendar days.

RIGHT TO A HEARING

5. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

6. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

Date of Issuance: June 16, 2006

Original signed by Charles A. McLaughlin
Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control